

FILED  
2009 JUN -2 AM 8:41  
NORTHERN DISTRICT OF OHIO  
CLEVELAND

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA	)	Case No. 1:07CV1782
	)	
<u>ex rel,</u>	)	
	)	JUDGE BOYKO
ANNA MISKEWYCZ-DYRIW	)	
	)	
Relator	)	NOTICE OF ELECTION TO
	)	<u>DECLINE INTERVENTION</u>
vs.	)	
	)	
CLEVELAND CLINIC FOUNDATION	)	
	)	
	)	<u>FILED UNDER SEAL</u>
Defendant	)	

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies the Court of its decision not to intervene in this action.

Although the United States declines to intervene, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United States; providing, however, that the "action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting." Id. Therefore, the United States requests that, should either the relator or the defendant propose that this action be dismissed, settled, or otherwise

discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States; the United States also requests that orders issued by the Court be sent to the Government's counsel. The United States reserves its right to order any deposition transcripts and to intervene in this action, for good cause, at a later date. The United States also requests that it be served with all notices of appeal.

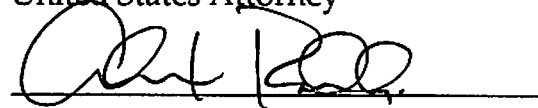
Finally, the Government requests that the relator's Complaint, this Notice, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

Respectfully submitted,

William Edwards  
United States Attorney

By:



Alex Rokakis, Reg. No. 0029078

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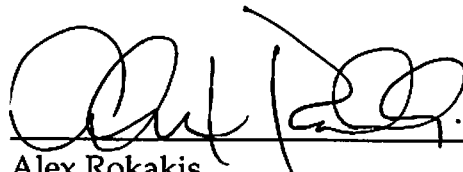
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**Certificate of Service**

A copy of the foregoing Notice of Election to Decline Intervention was served on the attorneys for the relator-plaintiff, by U.S. Ordinary mail on June 3, 2009.

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